IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY SEVENTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 263 of 2005

Between:

Jamia Masjid Committee rep by its President Mohd. Khurshid S/o Late Khaja Miya
R/o Moosapet Village, Kukutpally Municipality, Balanagar Mandal, Ranga Reddy District

..... PETITIONER

AND

1 The Commissioner, Kukutpally Municipality, Moosapet, Hyderabad
2 The Mandal Revenue Officer, Balanagar Mandal at KPHB Colony, Hyderabad
3 The Station House Officer, Kukatpally P.S. Kukatpalli Hyderabad
4 A. Panchagneshwar
r/o 12-5-199/5, Moosapet, Hyderabad-18
5 M/s. Andhra Rolling Mils. rep by its Partners Kapadias Moosapet, Hyderabad
....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue appropriate Writ, order or direction more in the nature of Writ of Mandamus, declaring the action of the Respondents 1 to 3 in not initiating any proceeding against Respondents 4 and 5 of their grabbing an extent of 3 guntas of Idgah/Dargah land of the petitioners in Sy. No. 319 of Moosapet Village, Kukatpally Municipality, Balanagar Mandal, Ranga Reddy District and digging earthern trenches/pits for raising illegal structures thereon as highly illegal, arbitrary unjust, malafide, violative of Article21 of the Constitution of India and in gross violation of the principles of natural justice and consequently to direct the respondents to 1 to 3 restrain respondents 4 and 5 from further digging of trenches/pits for raising or commencing construction activity in any manner, evict the Respondents 4 and 5 from the said property and restore vacant possession to the petitioner herein, and to pass such other and further orders to meet the ends of justice

Counsel for the Petitioner: MR.SHAIK ZAKER HUSSAIN

Counsel for the Respondent No.1.MrPOLISETTI RADHAKRISHNA

Counsel for the Respondent No.2 & 3 . G.P. FOR REVENUE

Counsel for the Respondent No.4. Mr.Y.RAVI PRASAD

Counsel for the Respondent No.5 : None appeared

The Court at the stage of admission made the following :

ORDER:

The petitioner, which is a committee, filed the present writ petition, questioning the action of the respondents 4 and 5 from proceeding with the construction activity in the extent of Ac.0.03 guntas in survey No. 319, Moosapet village, Kukatpalli Municipality, Ranga Reddy district. The petitioner committee claims that the subject land is Idgah/Dargah property being used by the mohemmedan community during their festivals. It is alleged that respondents 4 and 5 have grabbed the said land and proceeding with digging the pits for construction thereon. It is stated that the petitioner committee has brought to the notice of 3rd respondent about the illegal construction being made by the unofficial respondents by way of notice issued on 7-11-2004 and alleges that no action was taken thereon.

The learned Government Pleader on instructions submitted that pursuant to representation made by the petitioner, a survey was conducted and it was noticed that the “ediga” land falls in Survey No.318 but not in Survey No.319 of Moosapet village. The learned Government Pleader also produced a sketch map prepared by the concerned Surveyor after conducting survey over the land. It is also stated that as per the revenue records, the land covered under Survey No.318 is a patta land in the name of D.Narayana, T.Sridhar Raju Lokarla and others.

Learned counsel for 4th respondent Mr. Y.Ravi Prasad submitted that land covered under survey No.319 is a patta land and that the 1st respondent municipality after verifying the title has granted permission for construction of building on 19-11-2004 to 4th respondent. It is further submitted that the 4th respondent has left 5 feet passage to Eedgah and the petitioner committee has no manner of right to interfere with the construction activity of 4th respondent and the present writ petition is not maintainable.

A perusal of the record produced by the learned Government Pleader shows that the land covered under Survey No.319 is classified as patta land. More over, the 4th

respondent stated to have obtained permission from the 1st respondent for construction of building on

19-11-2004. In that view of the matter, I see no reason to interfere in the matter. There are no merits in the writ petition. Accordingly, the same is dismissed. No costs.

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N.V.RAMANA,J

27-1-2005

TVK

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Commissioner, Kukutpally Municipality, Moosapet, Hyderabad
2 The Mandal Revenue Officer, Balanagar Mandal at KPHB Colony,

Hyderabad- 500 072
3 The Station House Officer, Kukatpally P.S.Kukatpalli Hyderabad
4 2 CCs to the Govt. Pleader for Revenue, High Court of A.P.Buildings, Hyderabad

5.2CD copies

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